

such assets are purchased may not pay dividends in a cumulative amount that is higher in the current or a future fiscal year than the cumulative dividends paid in the fiscal year immediately preceding the sale of the troubled assets until such time as the troubled assets are no longer owned by the Secretary."

SEC. 202. REDUCING DIVIDENDS TO PAY FOR EXCESSIVE EXECUTIVE COMPENSATION.

Section 111(b)(2) of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "and"; and
(3) by adding at the end the following:

"(D) a reduction in dividends paid by the institution in its next fiscal year equal to the executive compensation paid to senior executive officers in excess of \$500,000 per officer in the current fiscal year."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 706—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN PETER BERGEL V. PACIFIC GAS & ELECTRIC

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 706

Whereas, in the case of Peter Bergel v. Pacific Gas & Electric, No. 0712-15723, pending in Multnomah County Circuit Court in Portland, Oregon, the defendant has requested testimony from Denise Racanelli, an employee in the office of Senator Gordon Smith;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Denise Racanelli is authorized to testify in the case of Peter Bergel v. Pacific Gas & Electric, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Denise Racanelli in connection with the testimony authorized in section one of this resolution.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Monday, November 17, 2008, at 2

p.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Monday, November 17, 2008, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Monday, November 17, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**UNITED STATES ARMY
COMMEMORATIVE COIN ACT**

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5714, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5714) to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army of 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the Colonial period to today.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5714) was ordered to a third reading, was read the third time, and passed.

CHILD SAFE VIEWING ACT

Mr. WHITEHOUSE. Madam President, I ask the Chair to lay before the Senate a message from the House with respect to S. 602.

The PRESIDING OFFICER (Ms. STABENOW) laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 602) entitled "An Act to develop the next generation of parental control technology", do pass with the following amendment:

Strike section 2 and redesignate section 3 as section 2.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the

Senate concur in the House amendment and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SENATE LEGAL COUNSEL
AUTHORIZATION**

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 706, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 706) to authorize testimony and legal representation in Peter Bergel v. Pacific Gas & Electric.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony in a civil action in Multnomah County Court in Portland, OR. In this action, the plaintiff, an anti-war protester, seeks damages for an alleged false arrest in March 2007 in the lobby of a private office building housing Senator SMITH's Portland, OR office. The defendant owner of the building has requested that an employee in the Senator's Portland office provide in connection with upcoming summary judgment proceedings a declaration concerning relevant communications the employee had with building security officers related to the events in question. Senator SMITH would like to cooperate by providing testimony from that employee. This resolution would authorize that employee to testify in connection with this action, with representation by the Senate Legal Counsel.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 706) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 706

Whereas, in the case of Peter Bergel v. Pacific Gas & Electric, No. 0712-15723, pending in Multnomah County Circuit Court in Portland, Oregon, the defendant has requested testimony from Denise Racanelli, an employee in the office of Senator Gordon Smith;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under